

WINDSOR TOWN BOARD

BOARD RESOLUTION 2015-13

**RESOLUTION APPROVING
FINAL PLAT OF BLUE ADDITION TO LAKE WINDSOR
SUBMITTED BY WINDSOR GOLF VENTURES, INC.**

WHEREAS, Windsor Golf Ventures, Inc. (“Petitioner”) has applied for approval of the Final Plat of Blue Addition to Lake Windsor (“Final Plat”) located in the Town of Windsor, Dane County, Wisconsin; and

WHEREAS, the Town Board granted conditional preliminary plat approval pursuant to Town Board Resolution 2014-08 on February 20, 2014, and the Plan Commission has recommended final plat approval subject to the terms and conditions set forth in Plan Commission Resolution 2015-05 on March 17, 2015; and

WHEREAS, the Town of Windsor Town Board has considered all the requirements set forth in Town Board Resolution 2014-08 and Plan Commission Resolution 2015-05, the Staff Report dated March 15, 2015 prepared by the Town Planner and Town Engineer, and the documents prepared by the Town Attorney, and wishes to take action on the Final Plat, subject to the terms and conditions set forth in this Town Board Resolution 2015-13, which was considered at a regular meeting of the Town Board held on March 19, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Windsor as follows:

A. The Town of Windsor Town Board **Approves** the Final Plat of Blue Addition to Lake Windsor, Town of Windsor, Dane County, Wisconsin, in recognition of the completion of the requirements as set forth below and subject to satisfaction of those remaining conditions set forth below.¹

1. The Final Plat is consistent with the facts set forth in the Staff Report referenced in Town Board Resolution 2014-08, as determined by Town staff.
2. The Petitioner has addressed the technical comments set forth in the Planning Comments section of the Staff Report to the satisfaction of the Town Planner. Due to specific topographical features of the Property, and as negotiated and set forth in the Development Agreement, the Petitioner shall pay a fee in lieu of the sidewalks and shall not be required to install a multipurpose path or sidewalk. The fee shall be used for improvements to the Park to be located on Outlot 1 of the Final Plat. (See Section 10 below.)

¹ **NOTE:** In the event of a conflict among the documents submitted to and reviewed by the Plan Commission, the more stringent requirements shall be applied and bind the Petitioner. This determination shall be made by Town staff.

3. The Petitioner has addressed the technical comments set forth in the Engineering Comments section of the Staff Report to the satisfaction of the Town Engineer.
4. The Petitioner has submitted the Final Plat within 36 months after the last required approval of the Preliminary Plat. **The Petitioner shall record the Final Plat with the Dane County Register of Deeds office no later than December 31, 2015. Time is of the essence as to this requirement.**
5. The Petitioner and the Town have negotiated the following documents, which have been executed by the Petitioner and shall hereafter be subject to review and approval by the Town Board: Development Agreement (*see* Town Board Resolution 2015-09); Declaration of Covenants, Restrictions, Conditions and Easements (*see* Town Board Resolution 2015-10); Stormwater Maintenance Agreement (*see* Town Board Resolution 2015-11); and, Declaration Restricting Transfer Prior to Compliance (*see* Town Board Resolution 2015-12).
6. The Petitioner has obtained approval of an Erosion & Sedimentation Control Plan and Stormwater Management Plan by the Town of Windsor, Dane County, and the Wisconsin Department of Natural Resources (WDNR).
7. The Petitioner has obtained approval of Construction Plans and Specifications, in a form satisfactory to the Town Engineer, and dated as set forth in the Development Agreement.
8. The Petitioner has obtained approval of Driveway Culvert Plans, in a form satisfactory to the Town Engineer.
9. The Petitioner has obtained approval of a Tree Removal Plan, in a form satisfactory to the Town Engineer.
10. The Petitioner shall comply with the Town of Windsor Code of Ordinances for Design Review for Single- and Two-Family Dwellings.
11. The Petitioner shall submit a cash payment to the Town for Fees for Initial Improvement of Parkland in the amount determined pursuant to the Town of Windsor Code of Ordinances § 38-639(e). Such payment shall be made in full prior to the Town's execution of the Final Plat.
12. The Petitioner shall submit a cash payment of \$41,250.00 to the Town for fees in lieu of sidewalk. Said amount has been reasonably determined by the Town Engineer and agreed to by the Petitioner. Such payment shall be made in full prior to the Town's execution of the Final Plat.
13. The Petitioner shall fully and completely dedicate Outlot 1 and the 12 foot wide path connecting from Oak Lane to Outlot 1 to the Town for parkland, and shall so designate the dedication on the Final Plat. Therefore, the Petitioner shall not be required to pay further Fees in Lieu of Land Dedication otherwise required by Section 38-636(1) of the Town of Windsor Code of Ordinances.

14. The Petitioner shall reimburse the Town of Windsor for all costs and expenses incurred by the Town of Windsor in connection with the review and approval of the plat, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services. Such payment shall be made in full prior to the Town's execution of the Final Plat.
15. The Petitioner obtained a Comprehensive Plan Amendment and Environmental Corridor Amendment as required by Town Board Resolution 2014-08.
16. The Petitioner obtained the zoning change required by Town Board Resolution 2014-08.
17. The Petitioner shall obtain approval of the sanitary district boundary adjustments so that the lots along Golf Drive are served with public water and sanitary by Windsor Sanitary District No. 1, and the lots along Oak Lane are served with public sanitary by Lake Windsor Sanitary District. This boundary adjustment shall be made after recording of the Final Plat so that the legal description contained in the Final Plat can be used for boundary adjustment purposes. The boundary adjustment shall be complete prior to conveyance of any lots.

B. It is the Petitioner's obligation to satisfy its obligations as set forth above, and to provide satisfactory verification to the Town of the recording of the Final Plat prior to December 31, 2015. All requests to the Town for determinations of compliance shall be made at least ten (10) business days prior to the date upon which verification of compliance is required.

The above and foregoing Resolution was duly adopted at the regular meeting of the Town Board of the Town of Windsor on the 19th day of March, 2015, by a vote of 4 in favor and 0 opposed.

TOWN OF WINDSOR

Robert E. Wipperfurth
Robert E. Wipperfurth, Town Chair

Donald G. Madelung
Donald G. Madelung, Town Supervisor

Bruce Stravinski
Bruce Stravinski, Town Supervisor

Excused Absence
Alan Buchner, Town Supervisor

Monica M. Smith
Monica M. Smith, Town Supervisor

Attested by:
Christine Capstran
Christine Capstran, Town Clerk



Staff Review

TO: Town of Windsor Board

CC: Robert Wipperfurth, Chairman
Tina Butteris, Office Manager
Amy Anderson Schweppe, Planning & Development Coordinator
Kevin Richardson, Engineer
Connie Anderson, Attorney

FROM: Jamie Rybarczyk, Planning Consultant

RPT DATE: March 15, 2015

MTG DATE: March 19, 2015

APRVL DATE:

FOTH FILE: 13W027.01/19

RE: Windsor Golf Ventures, Inc – Final Plat for the Blue Addition to Lake Windsor

BACKGROUND:

1. Petitioner/Agent: Windsor Golf Ventures, Inc
2. Property Owner: Windsor Golf Ventures, Inc
3. Location/Address: Located in Part of SW ¼-SE 1/4, and the SE ¼-SE ¼ of Section 30, Town 9 North, Range 10 East, Town of Windsor, Dane County, Wisconsin
4. Taxkey Number: N/A
5. Area: 10.77 Acres
6. Existing Zoning: R-1 Residence District & R-3A Residence District
7. Proposed Zoning: N/A
8. Future Land Use: Single-Family Residential, Two-Family Residential, & Park

OVERVIEW:

The proposed development will replace two holes of the Lake Windsor Country Club golf course. The development is 10.77 acres located south of Golf Drive, west of Birch Drive, and north of Oak Lane. The development contains eleven (11) single-family lots, two (2) duplex lots, a neighborhood park, and two (2) outlots to be conveyed to Lots 1 and 2 of CSM 13005. Lots 1-6 along Golf Drive are proposed to be served by public sewer and water. Lots 7-13 along Oak Lane are proposed to be served by public sewer and private wells.

PLANNER COMMENTS:

The proposed lot sizes and widths comply with the R-1 and R-3A Zoning District regulations; however, Lots 12 (64.60') and 13 (38.33') do not comply with required 66' of public street frontage per the Dane County Land Division and Subdivision Regulations. In addition, Outlots 1 and 2 do not have street frontage; however, the Outlots will be conveyed to Lots 1 and 2 of CSM 13005. The petitioner requested that Dane County grant a reduced public street frontage for Lots 12 and 13 resulting from the existing radius of Oak Lane and the existing residential lot to the south. ****Planner Note** The petitioner obtained a waiver from Ch. 75.19(6)(b) from the Dane County Land Division and Subdivision Regulations.**



SURVEYOR COMMENTS:

The Final Plat for the Blue Addition to Lake Windsor meets the requirements of the Town of Windsor Planning & Development Ordinance and Wis. Stats. Ch. 236.

ENGINEER COMMENTS:

Staff provides the Town of Windsor Board with the following comments regarding the Final Plat for the Blue Addition to Lake Windsor:

1. Per Section 38-547(e) of the Town of Windsor Code of Ordinances, the development shall be served by both public water and sanitary sewer if the development is within 1,320 feet of existing facilities. Lots on Oak Lane are proposed to be served by only public sewer.
2. There is an existing storm water drainage pattern along the existing streets that has to be maintained.
3. Stormwater management will have to be provided for the increased impervious surface due to development. ****Engineer Note** The Dane County Land Conservation has approved the Stormwater Maintenance Agreement for the Final Plat.**
4. Connection to the water and sewer on the north side of the project will require excavations into the existing pavement. Shared cost for restoration and existing pavement replacement should be explored with the petitioner. ****Engineer Note** The petitioner will coordinate with the Town of Windsor the restoration of the existing pavement.**
5. Groundwater is near the surface in parts of this proposed development; therefore, soil borings are going to be required to determine the feasibility of basements and first floor elevations. ****Engineer Note** The elevations have been identified in the Development Agreement and Declaration of Covenants, Restrictions, Conditions and Easements.**

STAFF RECOMMENDATION:

Provided that the Town of Windsor Board concurs with the Planner, Surveyor, and Engineer comments set forth above, the following action by the Town of Windsor Board is recommended:

The Town of Windsor Board **Approves** the Final Plat for the Blue Addition to Lake Windsor for Windsor Golf Ventures, Inc located in Part of SW ¼-SE 1/4, and the SE ¼-SE ¼ of Section 30, Town 9 North, Range 10 East, Town of Windsor, Dane County, Wisconsin, subject to the following conditions:

1. The Final Plat is consistent with the facts set forth in the Staff Report referenced in Town Board Resolution 2014-08, as determined by Town staff.
2. The Petitioner has addressed the technical comments set forth in the Planning Comments section of the Staff Report to the satisfaction of the Town Planner. Due to specific topographical features of the Property, and as negotiated and set forth in the Development Agreement, the Petitioner shall pay a fee in lieu of the sidewalks and shall not be required to install a multipurpose path or sidewalk. The fee shall be used for improvements to the Park to be located on Outlot 1 of the Final Plat. (See Section 10 below.)
3. The Petitioner has addressed the technical comments set forth in the Engineering Comments section of the Staff Report to the satisfaction of the Town Engineer.
4. The Petitioner has submitted the Final Plat within 36 months after the last required approval of the Preliminary Plat. **The Petitioner shall record the Final Plat with the Dane County Register of Deeds office no later than December 31, 2015. Time is of the essence as to this requirement.**
5. The Petitioner and the Town have negotiated the following documents, which have been executed by the Petitioner and shall hereafter be subject to review and approval by the Town Board: Development



Staff Review

Agreement (*see* Town Board Resolution 2015-09); Declaration of Covenants, Restrictions, Conditions and Easements (*see* Town Board Resolution 2015-10); Stormwater Maintenance Agreement (*see* Town Board Resolution 2015-11); and, Declaration Restricting Transfer Prior to Compliance (*see* Town Board Resolution 2015-12).

6. The Petitioner has obtained approval of an Erosion & Sedimentation Control Plan and Stormwater Management Plan by the Town of Windsor, Dane County, and the Wisconsin Department of Natural Resources (WDNR).
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12. The Petitioner shall submit a cash payment of \$41,250.00 to the Town for fees in lieu of sidewalk. Said amount has been reasonably determined by the Town Engineer and agreed to by the Petitioner. Such payment shall be made in full prior to the Town's execution of the Final Plat.
13. The Petitioner shall fully and completely dedicate Outlot 1 and the 12 foot wide path connecting from Oak Lane to Outlot 1 to the Town for parkland, and shall so designate the dedication on the Final Plat. The Plan Commission recommends that this dedication be considered sufficient to satisfy the Fees in Lieu of Land Dedication otherwise required by Section 38-636(1) of the Town of Windsor Code of Ordinances.
14. The Petitioner shall reimburse the Town of Windsor for all costs and expenses incurred by the Town of Windsor in connection with the review and approval of the plat, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.
15. The Petitioner obtained a Comprehensive Plan Amendment and Environmental Corridor Amendment as required by Town Board Resolution 2014-05.
16. The Petitioner obtained the zoning change required by Town Board Resolution 2014-05.
17. The Petitioner shall obtain approval of the sanitary district boundary adjustments so that the lots along Golf Drive are served with public water and sanitary by Windsor Sanitary District No. 1, and the lots along Oak Lane are served with public sanitary by Lake Windsor Sanitary District. This boundary adjustment shall be made after recording of the Final Plat so that the legal description contained in the Final Plat can be used for boundary adjustment purposes. The boundary adjustment shall be complete prior to conveyance of any lots.

WINDSOR COMPREHENSIVE PLAN:

The Final Plat for the Blue Addition to Lake Windsor is consistent with the goals, objectives, and policies of the Town of Windsor Comprehensive Plan: 2025.



Staff Review

WINDSOR PLANNING & DEVELOPMENT ORDINANCE:

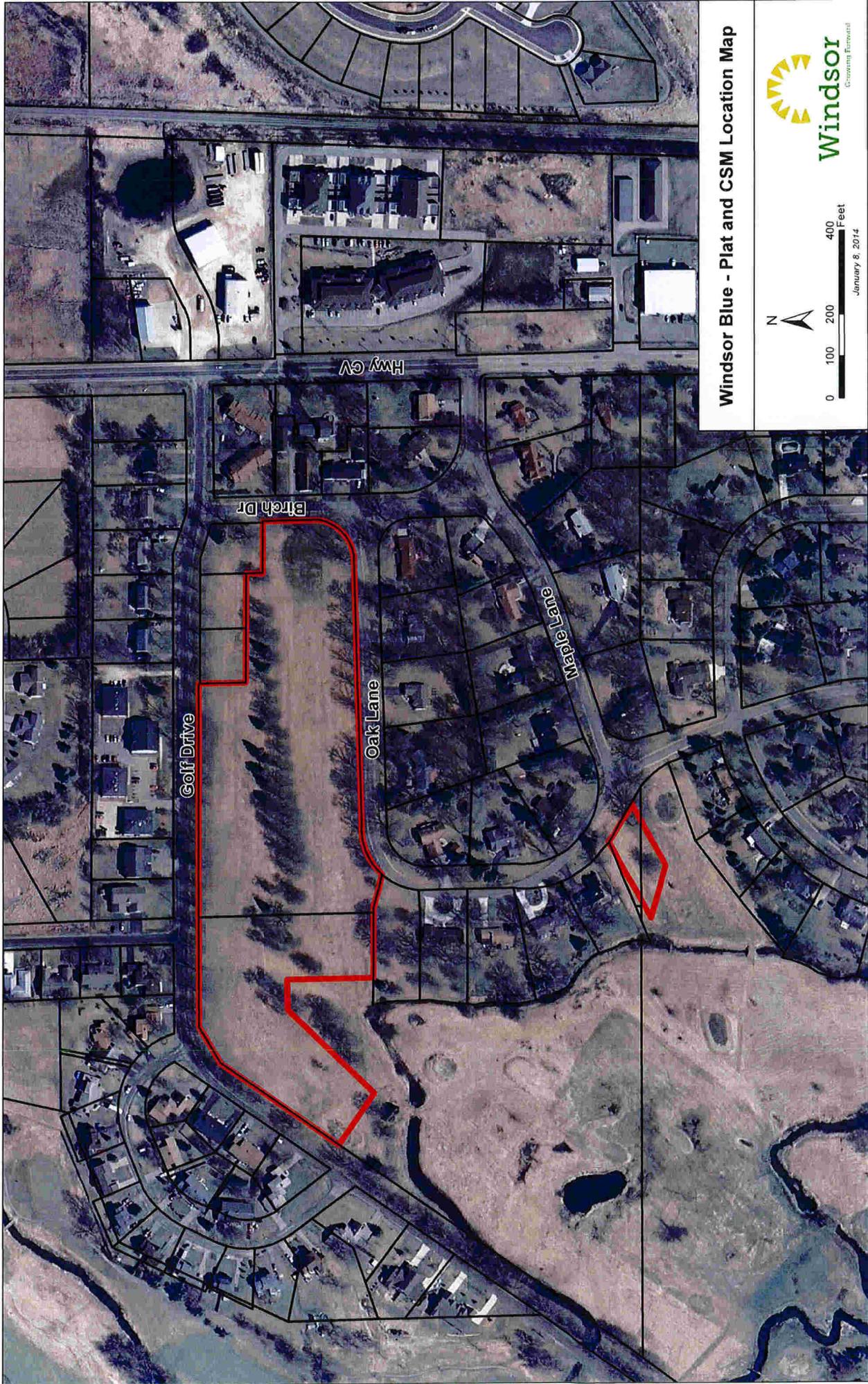
The Final Plat for the Blue Addition to Lake Windsor is consistent with the provisions of the Town's Planning and Development Ordinance.

DANE COUNTY ZONING ORDINANCE:

The Final Plat for the Blue Addition to Lake Windsor is consistent with the provisions of Dane County's Zoning Ordinance.

EXHIBITS:

- A. Location Map
- B. Final Plat for the Blue Addition to Lake Windsor



Windsor Blue - Plat and CSM Location Map



Windsor
Growing Forward



0 100 200 400 Feet

January 8, 2014

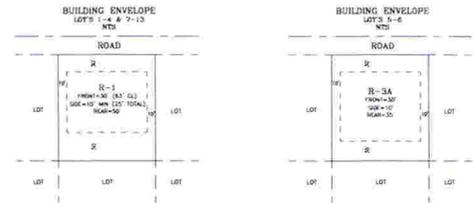


EXHIBIT A

WINDSOR BLUE

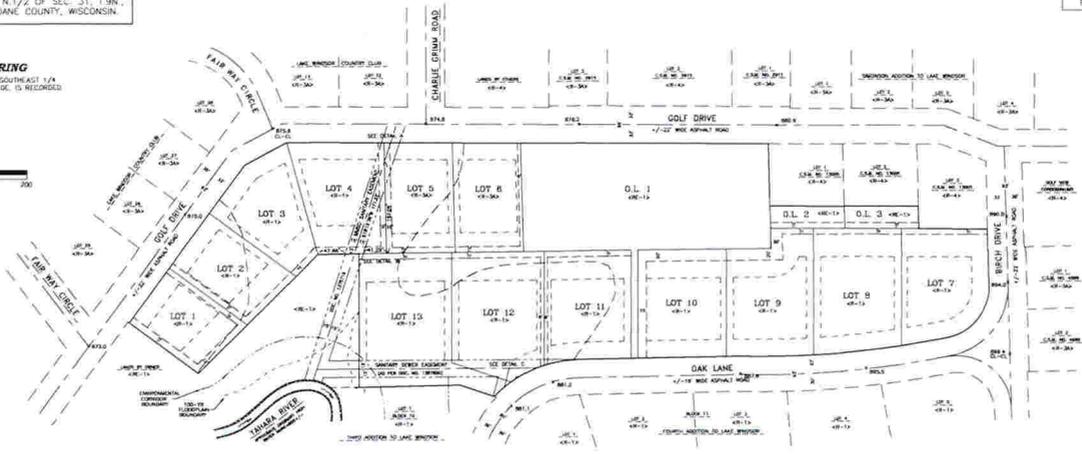
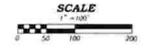
LOCATED IN PART OF THE S.1/4-SE1/4 AND THE SE1/4-SE1/4 OF SECTION 30, TOWN 9 NORTH, RANGE 10 EAST, TOWN OF WINDSOR, DANE COUNTY, WISCONSIN.

DENSITY DETAILS

ZONING	LAND USE	LOTS	UNITS	ACRES	%
R-1	SINGLE FAMILY	11	11	7.36	75
R-3A	DUPLEX	2	4	1.07	27
TOTAL		13	15	8.43	DENSITY=1.8 UNITS/ACRE

LAND USE	OUTLOTS	ACRES
PARK	1	1.94
PRIVATE	2	0.24

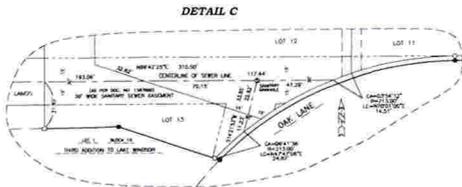
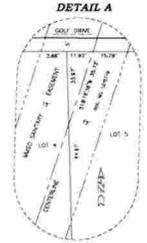
BASIS OF BEARING
THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 30, TOWN 9 NORTH, IS REFERENCED TO BEAR N073°22'W.



OWNER & SUBDIVIDER
WINDSOR BLUE VENTURES, INC.
TWOOTHY & COTTON
PRESIDENT
6532 OAK ROAD, SUITE D
WINDSOR, WI 53534
PHONE: 608-846-1531

SURVEYOR
PAULSON & ASSOCIATES, LLC
PARKVIEW OFFICE BUILDING
120 WEST HOBBS STREET
DEFOREST, WI 53522
PHONE: 608-846-2523

- NOTES:**
- NO METLANDS ON PROPERTY AS PER STANTEC 5-6-14.
 - PROJECT TO BE DEVELOPED IN ONE PHASE.



- LEGEND**
- BUILDING SETBACK LINE
 - EXISTING AND PROPOSED ZONING (SAME CO ZONING)
 - 100-YR FLOODPLAIN BOUNDARY (NAVD 88)
 - 12" PUBLIC UTILITY EASEMENT AS GRAPHICALLY SHOWN (UNLESS NOTED)
 - EXISTING SPOT ELEVATION
 - FILLED HYDRIC SOIL AREA (SPRING SWICH LESS THAN 1/2-F FROM SURFACE)